

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRANDON LAU,  
Plaintiff,

v.

ALEJANDRO MAYORKAS,  
Defendant.

Case No. 21-cv-04756-TLT (TSH)

**DISCOVERY ORDER**

Re: Dkt. Nos. 156, 160

The Court addresses ECF Nos. 156 and 160.

**A. ECF No. 156**

This document looks like it is a combination of things. The first three paragraphs look like a motion for relief from a nondispositive pretrial order of a magistrate judge under Civil Local Rule 72-2. Plaintiff says: “Plaintiff wanted to quash subpoenas for illegally obtained information through illegal and unlawful use of the National Crime Information Center (NCIC). . . Judge’s order was to reject the Plaintiff’s motion to quash. Thus, the Plaintiff has requested the relevant authorities investigating this illegal and unlawful breach of abuse of power by the Defendant and DOJ to bring this breach of law to Judge Thompson’s attention, directly.” The undersigned thinks that portion of the document is a motion for relief from the discovery order at ECF No. 155. Accordingly, that issue is not for the undersigned to address.

The fourth paragraph ends with a request: “I respectfully ask the court to be able to file motion to quash two subpoenas – one involving San Francisco Recreational and Parks and another one San Francisco PD, since they are both using illegally obtained information.” The request for permission to file a motion to quash in the first instance does not seem like a motion for relief from a discovery order, so the undersigned can rule on that. Defendant agrees the parties met and

1 conferred about those two subpoenas in a live conversation on August 30, 2024 (ECF No. 157 at  
2 2), so the meet and confer requirement has been satisfied. Accordingly, the Plaintiff may file a  
3 joint discovery letter brief seeking to quash those subpoenas, provided that he does so by the  
4 deadline in Civil Local Rule 37-3.

5 The fifth paragraph says:

6 On the 30th of August, 2024, the Defendant and Plaintiff engaged in  
7 a meeting to discuss various matters. During this meeting, the Plaintiff  
8 requested that the Defendant and Plaintiff, jointly submit a  
9 collaborative statement to be presented before Judge Hixson to  
address the many unresolved issues at hand. Unfortunately, the  
Defendant refused to oblige and instead suggested that the Plaintiff  
take the initiative of preparing and filing the statement independently.

10 Defendant claims not to understand what this is referring to. ECF No. 157 at 3 n.2. The Court  
11 therefore reiterates its previous guidance that the parties must meet and confer in a live  
12 conversation before raising discovery disputes with the Court. Once they have satisfied the meet  
13 and confer requirement, they shall promptly bring any unresolved disputes to the Court's attention  
14 in one or more joint discovery letter briefs by the deadline in Civil Local Rule 37-3. The Court  
15 orders the parties to work cooperatively in drafting those joint discovery letter briefs.

16 The sixth paragraph accuses the Defendant of a grave abuse of power, says Plaintiff  
17 requested that Defendant divulge details surrounding the acquisition of the police incident report,  
18 and that when Defendant declined to do so, Plaintiff issued "an investigative report against the  
19 Defendant for their egregious misconduct." Plaintiff says he "is seeking a court order to compel  
20 the Defendant to furnish information in relation to the acquisition of the report, which, as it stands,  
21 violates several laws." This again does not seem like part of the motion for relief from a discovery  
22 order, but a request for a new discovery order in the first instance. The Court finds that this  
23 motion to compel lacks a sufficient basis and **DENIES** it.

24 The seventh, eighth and ninth paragraphs look like a status update. The tenth paragraph  
25 includes a status update but also contains a request for more time for Plaintiff to complete his  
26 interrogatory responses in case he is unable to finish by September 12, 2024. Per ECF No. 127,  
27 September 12, 2024 is the close of fact discovery. Any request to alter the case schedule must be  
28 directed to Judge Thompson.


1 The eleventh, twelfth and thirteenth paragraphs look like complaints about Defendant's  
2 document productions, culminating in a request to file a motion to compel "[i]n the event that the  
3 Defendant continues to withhold important documents." The Court reiterates that the parties must  
4 have a live meet and confer before raising discovery disputes with the Court. Once they have  
5 satisfied the meet and confer requirement, they may raise any unresolved disputes by filing one or  
6 more joint discovery letter briefs no later than the deadline in Civil Local Rule 37-3.

7 **B. ECF No. 160**

8 This document looks like part of Plaintiff's General Order 71 disclosures that he has filed  
9 on the docket instead of just serving it on the Defendant. Accordingly, no action by the Court is  
10 needed with respect to this filing.

11 **IT IS SO ORDERED.**

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13 Dated: September 9, 2024

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15 THOMAS S. HIXSON  
16 United States Magistrate Judge  
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